

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD)(SN)

This document relates to:

*Estate of John P. O'Neill, Sr., et al. v. The Republic of Iraq, et al.*, 04-cv-1076 (GBD)(SN)

**[PROPOSED] DEFAULT JUDGMENT AS TO LIABILITY AND FOR PARTIAL FINAL  
DAMAGES JUDGMENTS AGAINST THE TALIBAN FOR MOVING PLAINTIFFS  
WHO PREVIOUSLY RECEIVED DAMAGES JUDGMENTS AGAINST IRAN**

Upon consideration of the evidence and arguments submitted by Plaintiffs in Exhibit A (“Moving Plaintiffs”), together with the entire record in the case, IT IS HEREBY

- (1) ORDERED that the Court’s Order at ECF No. 3067 granting a judgment as to liability for members of the O’Neill family, is extended to the Moving Plaintiffs; and it is further
- (2) ORDERED that the Moving Plaintiffs’ motion for entry of default judgment as to liability against the Taliban is GRANTED; and it is further
- (3) ORDERED that service of process in the above-captioned matter was properly effected upon the Taliban for the Moving Plaintiffs; and it is further
- (4) ORDERED that this Court possesses personal jurisdiction over the Taliban for the Moving Plaintiffs; and it is further
- (5) ORDERED that this Court has subject-matter jurisdiction over the Taliban for the Moving Plaintiffs; and it is further
- (6) ORDERED that the Taliban is jointly and severally liable with the Islamic Republic of Iran (“Iran”) and that damages judgments are awarded to all Moving Plaintiffs against the Taliban in the same amounts previously awarded by this Court to

various similarly situated plaintiffs in *Burnett, Havlish, Ashton, Bauer, O'Neill*, and other cases against Iran (subject to trebling damages as indicated below); and it is further

(7) ORDERED that solatium damages are awarded to those Moving Plaintiffs identified in Exhibit A in the amounts of \$12,500,000 per spouse and \$8,500,000 per child, as set forth in Exhibit A; and it is further

(8) ORDERED that Moving Plaintiffs identified in Exhibit A are awarded treble damages pursuant to the Anti-Terrorism Act, 18 U.S.C. § 2333(a), for solatium damages, in the amounts set forth in Exhibit A; and it is further

(9) ORDERED that the treble damages awarded are compensatory in nature and not punitive; and it is further

(10) ORDERED that the Moving Plaintiffs identified in Exhibit A are awarded prejudgment interest at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment for damages in the amount of \$ \_\_\_\_\_; and it is further

(11) ORDERED that Moving Plaintiffs in Exhibit A are granted permission to seek punitive damages and other appropriate damages, at a later date; and it is further

(12) ORDERED that all other Plaintiffs not appearing in Exhibit A are granted permission to submit applications for damages awards in later stages, to the extent such awards have not previously been addressed.

(13) ORDERED that this order is not binding on the determination of damages for defendants besides the one against whom default judgment is being sought. *See, e.g.*, ECF No. 2582 at 3.

Furthermore, the Court respectfully directs the Clerk of the Court to terminate the motion at ECF No. 8568.

**SO ORDERED:**

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GEORGE B. DANIELS  
United States District Judge

Dated: New York, New York  
\_\_\_\_\_, 202\_